

Art Unit: 2164

Consideration of Mandler et al. Pre-Grant Publication as it applies to claims

Appellant presents no arguments pertaining to the content of the Mandler et al. Pre-Grant Publication or its application to the claims. Accordingly, examiner's rejection of claims 67-68, 76-80 and 88-90 under 35 USC 102(e) is sustained. Appellant's lack of argument on this issue is considered further evidence that the rejection should be sustained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

Appeal Conference:

An appeal conference was held August 31, 2006 with Charles Rones, SPE and Tim Vo, SPE. Additional consultation was further made with Brian L. Johnson, SPRE, on August 31, 2006. All three conferees and the primary examiner of record agreed to proceed to appeal.



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